

**FILED**

MAR 31 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BOOKER GOLDSBY,

Petitioner,

v.

A. KANE,

Respondent.

No. C 05-2556 MJJ (PR)

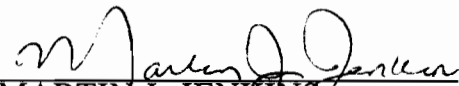
**ORDER DENYING  
CERTIFICATE OF  
APPEALABILITY**

Petitioner, a California prisoner, filed this pro se habeas corpus petition pursuant to 28 U.S.C. § 2254. The petition was denied on its merits. Petitioner has filed a notice of appeal, which the court construes as containing a request for a certificate of appealability, pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b). Petitioner has not shown "that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right." Slack v. McDaniel, 120 S.Ct. 1595, 1604 (2000). Accordingly, the request for a certificate of appealability are DENIED.

The Clerk shall forward this order, along with the case file, to the United States Court of Appeals for the Ninth Circuit, from which petitioner may also seek a certificate of appealability. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

IT IS SO ORDERED.

DATED 3/30/2008

  
MARTIN J. JENKINS  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

GOLDSBY,

Plaintiff,

v.

KANE et al,

Defendant.

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Case Number: CV05-02556 MJJ

**CERTIFICATE OF SERVICE**


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 2, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Booker Goldsby  
Correctional Training Facility  
Prisoner Id C-97620  
P.O. Box 689; GW-243L  
Soledad, CA 93960-0689

Scott Colin Mather  
CA State Attorney General's Office  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004

Dated: April 2, 2008

  
Richard W. Wieking, Clerk  
By: Monica Tutson, Deputy Clerk